IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No.1805 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-10-2004 in W.P.No.17548 of 2004 on the file of the High Court.)

Between:

1.Assistant Provident Fund Commissioner,

EPF Organisation, Sub Regional Office,
Railway Station Road, Cuddapah.
2.The Regional Provident Fund Commissioner,

Barakatpura, Hyderabad.

..... APPELLANTS

AND

1.Bharat Sanchar Nigam Limited,

rep. by its Chief General Manager,

A.P.Telecom, Hyderabad.
2.The General Manager, Telecom District, Nellore.
3.The Branch Manager, State Bank of India,

Barracks Branch, Nellore.

....RESPONDENTS.

Counsel for the Appellants : Mr.R.N.REDDY

Counsel for Respondent Nos.1& 2: Mr.E.MANOHAR,

Sr.Advocate

for Mr.R.S.MURTHY

Counsel for Respondent No.3 : Mr. K.SRINIVASA MURTHY

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

We do not see any ground to interfere with the impugned order disposing of the writ petition on the basis of the orders passed in W.P.No.24209 of 2003, dated 3rd December 2003. In fact, writ petition was disposed of in the light of the orders passed in the said writ petition because of the concession of the learned counsel for the appellant herein that writ petition can be disposed of in the light of the said order. Learned counsel, however, submits that in W.P.No.24209 of 2003, there was no order of refund.

Once concession is made and there is no challenge in the memorandum of appeal that concession was not so made, an order disposing of the writ petition on the basis of an earlier order passed in W.P.No.24209 of 2003, thereby setting aside the order passed by the appellant herein, naturally will have the consequence of refund of the amount recovered pursuant to the prohibitory order passed by the appellants and, therefore, there is no nothing wrong in the order of the learned single Judge directing that amount recovered will be refunded to the writ petitioners.

Writ Appeal is dismissed.

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(DEVINDER GUPTA, C.J.)

22nd November 2004.

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(M. NARAYANA REDDY, J.)

ARS

To

1.The Chief General Manager, Bharat Sanchar Nigam Limited,

A.P.Telecom, Hyderabad.
2.The General Manager, Telecom District, Nellore.
3.The Branch Manager, State Bank of India,

Barracks Branch, Nellore.

4.Two CD copies.